

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

DAVID HENRY TOBEY

Petitioner

v.

WARDEN

Respondent

**Judgment in a Civil Case**

Case Number: 5:09-HC-2145-BO

**Decision by Court.**

This action came before the Honorable Terrence W. Boyle, United States District Judge, for an initial review under 28 U.S.C. § 2243.

**IT IS ORDERED AND ADJUDGED** that this action is hereby dismissed without prejudice.

This Judgment Filed and Entered on February 4, 2011, with service on:

David Henry Tobey 22008-037, Federal Correctional Institution, P.O. Box 1000, Butner, NC 27509 (via U.S. Mail)

February 4, 2011

/s/ Dennis P. Iavarone

Clerk